

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANTHONY TYRONE BROWN,

Petitioner,

v.

CASE NO. 2:21-CV-11330  
HON. ARTHUR J. TARNOW

MELINDA BRAMAN,

Respondent.

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**ORDER DENYING A CERTIFICATE OF APPEALABILITY, AND  
DENYING MOTION FOR APPOINTMENT OF COUNSEL (ECF 7, 8)**

This matter is before the Court on Petitioner's motion for a certificate of appealability (also construed as a notice of appeal), ECF No. 7, and his motion for appointment of counsel, ECF No. 8, concerning the Court's non-prejudicial dismissal of his habeas petition because he has collateral review proceedings concerning his convictions pending in the state courts.

The Court denied a certificate of appealability and denied leave to proceed in forma pauperis on appeal when it dismissed the habeas petition. ECF No. 5. The Court finds no reason to reconsider that decision. A motion for reconsideration which presents issues already ruled upon by the Court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D.

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Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Petitioner fails to meet his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). The Court properly dismissed without prejudice the habeas petition and properly denied a certificate of appealability. Accordingly, the Court **DENIES** the motion for a certificate of appealability. Given this determination, the Court also **DENIES** the motion for appointment of counsel. This case is closed.

**IT IS SO ORDERED.**

s/Arthur J. Tarnow  
ARTHUR J. TARNOW  
UNITED STATES DISTRICT JUDGE

Dated: September 14, 2021